

MEETING OF THE BOARD OF CANVASSERS  
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, OCTOBER 15, 2013  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT: President Frederic M. Umane

Commissioners Jose Araujo, Naomi Barrera, Julie Dent, Maria Guastella,  
Michael Michel, Michael Rendino, Simon Shamoun, J.P. Sipp

Michael J. Ryan, Executive Director  
Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel  
John Ward, Finance Officer  
Valerie Vazquez, Director, Communications & Public Affairs  
John Naudus, Manager, Electronic Voting Systems  
Dorothy Delayo, Director, Personnel  
Troy Johnson, Coordinator, Candidate Records Unit  
Thomas Sattie, Associate Staff Analyst, Candidate Records Unit  
Matthew Graves, Administrative Associate, Candidate Records Unit  
Giacomo Kmet, Temporary Contract Attorney, OGC  
Anibal Luque, Temporary Contract Attorney, OGC  
Lisa Sattie, Administrative Associate, Staten Island Office  
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office  
Anthony Ribustello, Deputy Chief Clerk, Bronx Office  
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office  
Robert Pataky, Administrative Associate, Queens Office  
Gisela Mengler, Deputy Chief Clerk, Queens Office  
Gregory Lehman, Chief Clerk, Manhattan Office  
Alvin Samuels, Administrative Associate, Manhattan Office  
Diane Haslett-Rudiano, Chief Clerk, Brooklyn Office  
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office

Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV  
Monica Bartley, CIDNY  
Anna-Maria Thomas  
J.C. Polanco  
A. Camarda, Citizens Union  
Carson Whitelmons, Brennan Center  
David Seitzer, NYC Council  
Cathy Gray  
Carolyn Sheehan, DOI  
Chester Soria, Gotham Gazette  
John D. Smith  
Anna Claire Lopez, for Assembly Member Brian Kavanagh  
K. Loving, CFB  
Eric Friedman, CFB  
M. Benjamin  
Alan Flacks, Member of NY County Democratic Committee

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President Umame called the meeting to order at 1:38 P.M.  
He reported that Secretary Soumas will be absent.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Section 9-204, President Umame announced that the Commissioners will conduct the Meeting of the Board of Canvassers in the City of New York to certify the canvass and recanvass of votes cast in the October 1, 2013 Democratic Run-off Primary Election for Public Advocate in the City of New York.

To serve as the other Republican Member of the Canvassing Board, President Umane designated the Republican Commissioner for their respective counties to sign the certified statements. He also designated Commissioner Sipp to serve with him for New York County and the Citywide Recapitulation.

To serve as the other Democratic Member of the Canvassing Board, Commissioner Dent designated the Democratic Commissioner for their respective counties to sign the certified statements. She also designated Commissioner Araujo to serve with her for Kings County and the Citywide Recapitulation.

Mr. Ribustello and Ms. Scott-McFadden presented the signed Return of Canvass for the Democratic Party Run-off Primary Election for Public Advocate conducted in Bronx County on October 1, 2013. They presented them to the Canvassing Board for review and approval. Mr. Ribustello and Ms. Scott-McFadden confirmed that the results presented are accurate and correct, all the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with, and the audit of the central count scanners used in this Election required by the NYS Election Law and

the Regulations of the State Board has been completed successfully. There was one (1) discrepancy which is included in a written report attached to the Return of Canvass. Based on that report, Commissioner Barrera moved that the Board of Canvassers certify the Return of Canvass for the Democratic Party Run-off Primary Election in Bronx County on October 1, 2013. Commissioner Rendino seconded the motion, which was unanimously adopted.

Ms. Rudiano and Ms. Sattie presented the signed Return of Canvass for the Democratic Party Run-off Primary Election for Public Advocate conducted in Kings County on October 1, 2013. They presented them to the Canvassing Board for review and approval. Ms. Rudiano and Ms. Sattie confirmed that the results presented are accurate and correct, all the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with, and the audit of the central count scanners used in this Election required by the NYS Election Law and the Regulations of the State Board has been completed successfully. There were no discrepancies. Based on that report, Commissioner Dent moved that the Board of Canvassers certify the Return of Canvass for the Democratic Party Run-off Primary Election in Kings County on

October 1, 2013. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Ms. Mengler and Mr. Pataky, on behalf of Ms. Conacchio, presented the signed Return of Canvass for the Democratic Party Run-off Primary Election for Public Advocate conducted in Queens County on October 1, 2013. They presented them to the Canvassing Board for review and approval. Ms. Mengler and Mr. Pataky confirmed that the results presented are accurate and correct, all the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with, and the audit of the central count scanners used in this Election required by the NYS Election Law and the Regulations of the State Board has been completed successfully. There were discrepancies which are included in a written report attached to the Return of Canvass. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Return of Canvass for the Democratic Party Run-off Primary Election in Queens County on October 1, 2013. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Andriulli and Ms. Sattie, on behalf of Ms. Del Giorno, presented the signed Return of Canvass for the Democratic Party Run-off Primary Election for Public Advocate conducted in Richmond County on October 1, 2013. They presented them to the Canvassing Board for review and approval. Mr. Andriulli and Ms. Sattie confirmed that the results presented are accurate and correct, all the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with, and the audit of the central count scanners used in this Election required by the NYS Election Law and the Regulations of the State Board has been completed successfully. There were no discrepancies. Based on that report, Commissioner Sipp moved that the Board of Canvassers certify the Return of Canvass for the Democratic Party Run-off Primary Election in Richmond County on October 1, 2013. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Lehman and Mr. Samuels, on behalf of Mr. Gay, presented the signed Return of Canvass for the Democratic Party Run-off Primary Election for Public Advocate conducted in New York County on October 1, 2013. They presented them to the Canvassing Board for review and approval. Mr. Lehman and Mr. Samuels confirmed that the results

presented are accurate and correct, all the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with, and the audit of the central count scanners used in this Election required by the NYS Election Law and the Regulations of the State Board has been completed successfully. There were no discrepancies. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Return of Canvass for the Democratic Party Run-off Primary Election in New York County on October 1, 2013. President Umane seconded the motion, which was unanimously adopted.

Commissioner Dent moved to approve and adopt the Citywide Recapitulation Statement and Return of Canvass for the Democratic Party Run-off Primary Election for Public Advocate conducted in the City of New York on October 1, 2013. Commissioner Michel seconded the motion, which was unanimously adopted.

Commissioner Guastella moved to authorize the use of the Commissioners signature stamps as appropriate on each Statement and Return of Canvass for the October 1, 2013 Run-off Election.

Commissioner Rendino seconded the motion, which was unanimously adopted.

Commissioner Dent moved to adjourn the meeting of the Board of Canvassers in the City of New York and to convene the weekly stated meeting of the Commissioners of Elections. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Commissioner Barrera moved to adopt the minutes of the September 17, 2013 and September 24, 2013 meetings. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Ryan reported on the November 5, 2013 General Election ballot. He recalled that the font style and size was discussed at the previous meeting. Since then, Board staff and the Commissioners discussed the issue and chose an Arial font which is very readable. Mr. Ryan also recalled that the Board solicited an opinion from the NYC Law Department concerning equal protection relating to ballot font sizes according to each borough's needs. Based on the NYC Law Department's opinion, it is the Executive staff's recommendation that the font remain at 6 point uniformly



citywide to avoid unnecessary litigation. The Board encourages voters to use the ballot marking devices (BMDs) if they need to enlarge the font of the ballot. The BMD can increase the font size up to 22 point. Enlarged posters of the ballot, specific to the ED/ADs, will be hung in all poll sites attached to the ED/AD sign. An enlarged poster containing the Proposals will be hung in a neutral area at all poll sites. Mr. Ryan requested authorization from the Commissioners to move forward with the printing of the ballots.

President Umane opened the floor for questions and/or comments from Alex Camarda, a representative of Citizens Union, who stated that Citizens Union supports bilingual, trilingual and multiple page ballots. President Umane reported that Board staff is currently researching multiple page ballots for possible implementation in the future.

Commissioner Araujo stated that he would like to create a Commissioners' Committee on Ballot Building after the General Election's certification. Commissioners Araujo and Michel volunteered to serve on that Committee. President Umane noted that staff can bring sample ballots to discuss at the NYS Government Education and Legislation Day in

Albany which may aid in approving some of the Board's Recommended Revisions.

President Umane moved to approve Executive Management's ballot recommendations and the ballot presented today. Commissioner Barrera seconded the motion, with Commissioner Guastella abstaining. The motion was adopted.

Commissioner Barrera acknowledged that former Bronx Republican Commissioner J.C. Polanco was present.

President Umane opened the floor for questions and/or comments from John D. Smith, a member of the public, who inquired about sample ballots posted on the Board's website.

Mr. Ward presented the Comparative Expenditures Report dated October 15, 2013. A copy of the report is in the agenda.

President Umane opened the floor for questions and/or comments from Alan Flacks, a member of the public, who spoke about his Election

District's poll site being moved to another location, and inquired about the total tallied votes for the Judicial Convention Delegates and Alternates races for the 69<sup>th</sup>, 72<sup>nd</sup> and 75<sup>th</sup> ADs in Manhattan for the September 10, 2013 Primary Election. President Umame directed staff to look into Mr. Flack's request.

Commissioner Sipp moved to convene an Executive Session for purposes of litigation. President Umame seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and President Umame reported that no action was taken in Executive Session.

President Umame moved to adjourn the meeting. The motion was seconded and unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, October 22, 2013 at 1:30 P.M.